

*Harry W. Majors
3316 Afton Place
Birmingham, Alabama 35242*

August 5, 1994

Mr. James Lieberman
Director, Office of Enforcement
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

**RE: GEORGIA POWER COMPANY
Vogtle Electric Generating Plant, Units 1 & 2
Docket Nos. 50-425/50-425
License Nos. NPF-68/NPF-81
EA94-036**

**RESPONSE TO DEMAND FOR INFORMATION
REGARDING HARRY MAJORS**

I, Harry Majors, file this Response to Demand for Information dated May 9, 1994. I appreciate the opportunity to address the questions posed. I would respectfully request that my responses be considered by the Nuclear Regulatory Commission in determining that no further action is necessary to restrict my participation in NRC licensed and regulated activities. Portions of my responses are based on information submitted in pending license amendment proceedings regarding Plant Vogtle (Atomic Safety and Licensing Board 93-6F1-01-0LA-3).

The NRC's evaluation of my participation in the preparation of the June 29, 1990 cover letter should consider the fact that I did not participate in the events of March 20, 1990, or the preparation for the April 9, 1990 meeting, or the April 9, 1990 meeting, or the April 9, 1990 letter, or the April 19, 1990 LER, or in the initial draft of the revised LER, or the initial draft of the revised LER cover letter. My participation was limited to taking a marked up version of a draft of the LER and cover letter and soliciting comments from various people, which I then incorporated into the final draft. Finally, I ensured that the final letter and LER revision were reviewed by the required cognizant people prior to being sent to the NRC. Additionally, I have not participated in the subsequent responses to allegations or NRC requests for additional information. It should be noted that the NRC staff did not discuss my part in the preparation of the cover letter with me prior to issuance of the NOV. This appears noteworthy because the NRC Office of Investigations did interview me concerning the June 29, 1990 letter and subsequently elected to issue a report that did not identify any charges against me.

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Mr. James Lieberman
August 5, 1994
Page Two

This letter demonstrates that my participation in the preparation of the cover letter for Revision One to LER 50-424/1990-006 represented a reasonable attempt to be open and completely candid with the NRC. The resulting communication with the NRC was appropriate in terms of my knowledge at the time. Furthermore, any lack of knowledge at the time was not a result of my being unresponsive to contrary opinions or an unwillingness to explain the basis for anything in the cover letter. The cover letter candidly included unrequested, factual information that was not favorable to Georgia Power Company. Nevertheless, the end result was that the NRC was not satisfied with the information provided. If the NRC fails to be satisfied, then I have failed in my purpose, regardless of the circumstances. I am personally and professionally concerned that the NRC was not satisfied.

I appreciate the fact that the NRC has found that these events were not significant relative to nuclear safety and that there were no intentional violations. However, I realize the importance of open, complete and accurate communication between licensees and the NRC for the NRC to provide assurance of nuclear safety. In order for those of us who work in this industry to fulfill our obligation to ensure nuclear safety, it is likewise necessary for the NRC to candidly and completely communicate its needs, concerns and requirements to licensees. The willingness to be self critical is a part of our industry's fabric which assures continued nuclear safety. For this system of self criticism to work, nuclear professionals must be encouraged to provide more than the minimum required information. Mistakes need to be pointed out and corrected, improvements need to be made and attention needs to be paid to details. Any mistakes made by me in the development of information transmitted to the NRC were made during attempts to provide more than the minimum information required, to be open in identifying problems and to highlight issues that could lead to further questions. From my perspective, based on my limited knowledge at the time and on the insignificance of the information relative to safety, our cover letter was appropriate.

After four years of investigation, the NRC has now determined that even more additional, unrequested, unrequired information could have been provided. If that is used as the basis for punitive action, how will it encourage the timely provision of more than the minimum required information? Even though the information (including the inadequacies described by the NOV) had no real safety significance, the proposed NRC action has potential safety significance by indicating that attempts to be open and complete can result in punitive action. Yes, the letter could have been more responsive to the NRC's needs, and I am embarrassed that I participated in an effort that did not give the NRC the information that it subsequently determined that it needed. From my perspective, there were two key factors that contributed to this. First, the person who had the best information concerning the previous problems and failings chose to withhold that information, even though he had previously privately communicated concerns about diesel testing to the NRC. Second, even though the NRC was aware of concerns about DG testing on June 14, 1990, I remained unaware of any requests or needs of the NRC for additional information. As a result, I (and most likely all of us) was in the position of not only being

Mr. James Lieberman
August 5, 1994
Page Three

expected to give the NRC the information it wanted, but also having to conjure from thin air the types of concerns that the NRC wanted us to address.

My participation in the cover letter preparation consisted of an attempt to accurately record the various comments and views of people involved with the determination of the number of the times the diesels had been started. I recorded those views as accurately as possible. My personal involvement was brief. I believe that a review of the information, particularly the recorded conversations of June 29, 1990, clearly indicates my understanding at that time. Based on that level of understanding, I believe that my efforts on the content of the cover letter were reasonable.

I note that, as of this date, the NRC staff has never questioned me concerning their perceptions of the inadequacies in the June 29, 1990 letter. I am somewhat surprised at the willingness of the NRC staff to conclude that my action was inappropriate without first asking some questions about my involvement with the perceived inadequacies. After reviewing my response to the DFI, should the NRC staff decide that it is now appropriate to discuss this matter with me, I continue to be at your service.

I submit the following responses to each Demand for Information:

Paragraph A:

A description of the current positions and responsibilities for . . . Harry W. Majors . . ."

Response:

My current position is that of a Project Licensing Engineer for the Vogtle Project, the same position that I held when I coordinated the incorporation of comments into the June 29, 1990 transmittal letter. In this position I work as an interface between engineering support organizations, the plant staff, the corporate staff and the NRC to assure that safety and licensing requirements are appropriately considered and addressed for plant changes or new requirements. Included in my responsibilities is preparation of letters to the NRC, in which capacity I ensure that the comments of various people are accurately incorporated into documents and letters going to the NRC. After incorporating the comments, the documents are submitted for formal review and sign-off, usually beginning with the Plant Review Board and finishing with various corporate reviews. These reviews and sign-offs are normally by the same people who offer comments on the original draft of the document. Since the reviews are usually conducted in series, and substantial changes must start over again at the beginning of the review process, it is important to start with a draft that accurately reflects the views and comments of the various reviewers. Therefore, while I may be presented as the author

Mr. James Lieberman
August 5, 1994
Page Four

(for the case under consideration, editor would be more correct) of a letter, the content of the letter is a function of many different views and represents a consensus rather than any single individual.

Paragraph D:

An explanation of why, notwithstanding his being notified that the June 29, 1990 letter failed to clarify the April 9, 1990 letter and that the April 9, 1990 errors were different from the April 19, 1990 LER errors, Mr. Majors failed to address these concerns prior to issuance of the June 29, 1990 letter.

Response:

In response to this Demand for Information, I have organized my comments in accordance with the DFI as it pertains to me.

1. Section II, page 1, of the DFI states: *"On December 17, 1993, an investigation of licensed activities was completed by the NRC's Office of Investigations (OI) at Licensee's VEGP facility. The investigation was initiated in response to information received in June, 1990 by NRC Region II, alleging, in part, that material false statements were made to the NRC by senior licensee officials regarding reliability of the diesel generators (DGs)."*

The DFI, as it pertains to me, concerns a revised LER that was sent to the NRC on June 29, 1990. The information referenced in Section II of the DFI was received by the NRC on June 14, 1990. Since my only involvement prior to or after June 29, 1990 consisted of the few days preceding June 29, 1990, I had no way of knowing about these concerns unless either the NRC or the person making the allegations chose to inform me. During the time that I participated in the preparation of the June 29, 1990 letter and LER revision, I was completely unaware of the allegations. I was unaware of any request from the NRC to address any question related to the allegations. In addition, I was unaware of anyone who suspected that the NRC was expecting to receive any information related to these allegations. I had not previously participated in any of the activities about which the allegations had been made and, therefore, had no reason to believe that there was a need to address such concerns. The failure of the June 29, 1990 letter to address the June 14, 1990 allegations should not be surprising considering that no questions or requests for information were made prior to June 29, 1990. When the June 29, 1990 letter was being prepared, there was no indication of any safety concern (the NRC now agrees), there was no indication of any willful mistake (the NRC now agrees), and there were no pending questions or investigations of which we were aware. Consequently, the NRC appears to be holding us accountable for a failure to respond to questions that were never asked about events that did not occur.

Mr. James Lieberman
August 5, 1994
Page Five

2. Section II, page 3, of the DFI states: *"One June 29, 1990, GPC submitted a revised LER, 50-424 90-006-01. The purpose of the submittal was to clarify information related to successful DG starts that were discussed in the April 9, 1990 letter and the April 19, 1990 LER, and to update the status of corrective actions in the original LER."*

This statement in the DFI is an inadequate representation of the purpose of the June 29, 1990 letter as stated in the letter. The DFI statement is erroneous, in that it indicates an expanded intent of the June 29, 1990 letter by omitting the phrase "related to the number." Additionally, the statement in the DFI fails to indicate that the letter stated that the clarification of the number was in the attached LER revision as opposed to the cover letter. This unnecessary expansion of the stated intent of the June 29, 1990 letter creates the impression that it failed to deliver its stated purpose.

The June 29, 1990 letter actually states: "In accordance with 10 CFR 50.73, Georgia Power Company (GPC) hereby submits the enclosed revised report related to an event which occurred on March 20, 1990." This revision is necessary to clarify the information related to the number of successful diesel generator starts as discussed in the GPC letter dated April 9, 1990 and the LER dated April 19, 1990 and to update the status of corrective actions in the LER."

3. Section II, page 3, of the DFI also states: *"From August 6 through August 17, 1990, the NRC conducted a Special Team Inspection at VEGP, as a result of NRC concerns about, and allegations related to, VEGP operational activities. This inspection examined the technical validity and safety significance of the allegations, but did not investigate alleged wrongdoing. The Special Team informed GPC that the June 29, 1990 submittal failed to address the April 9, 1990 data and requested that GPC clarify DG starts reported on April 9, 1990. Results of this inspection are documented, in part, in NRC Inspection Report No. 50-424,425 90-19, Supplement 1, dated November 1, 1991."*

This statement in the DFI creates the impression that the Intent of the June 29, 1990 letter was to address those aspects of the April 9, 1990 letter identified by the NRC's Special Team Inspection between August 6, 1990 and August 17, 1990. In actuality, the June 29, 1990 letter only claimed to contain an LER revision that clarified numbers. (The referenced inspection report does not appear to identify any specific failures in the June 29, 1990 letter or request any specific clarifications of the April 9, 1990 letter.) There is no reason that the June 29, 1990 letter should have anticipated questions that resulted from an NRC inspection that occurred after June 29, 1990. Assuming that the inspection did identify inadequacies in the June 29, 1990 letter, it is only appropriate that they be related to its stated purpose of clarifying numbers of diesel generator starts. There is no indication that the referenced inspection report questioned the June 29, 1990 letter.

Mr. James Lieberman

August 5, 1994

Page Six

4 Section III, page 4, of the DFI contains the following: "On June 29, 1990, the draft cover letter for the LER revision was being reviewed at the VEGP site. The draft had originated in GPC corporate headquarters and included language personally developed by the Senior Vice President - Nuclear Operations (George W. Hairston, III) and the Vice President - Vogtle Project (C. Kenneth McCoy). During this review, a VEGP Technical Assistant (TA) (formerly the Acting VEGP assistant General Manager - Plant Support) (Alan L. Mosbaugh) noted that the draft cover letter was incomplete and challenged the accuracy of the reasons stated in the draft cover letter in conversations with the Supervisor - Safety Audit and Engineering Review (SAER) (Georgie R. Frederick), the VEGP Assistant General Manager - Plant Support (Thomas V. Greene), the VEGP Manager - Engineering Support (Michael W. Horton), and a Licensing Engineer - Vogtle Project (Harry W. Majors). Mr. Mosbaugh stated that: (1) the letter failed to clarify the DG starts reported on April 9, 1990 (2) DG record keeping practices were not a cause of the difference in the DG starts reported in the April 19, 1990 LER because adequate information to formulate an accurate count was available when the counting errors were made, and (3) the erroneous counts resulted from personnel errors in developing the count. Mr. Majors, Mr. Horton, Mr. Frederick, and Mr. Greene were fully aware of these assertions but failed to adequately resolve these concerns before issuance of the June 29, 1990 letter."

I will address each of the three statements that are alleged to have been made by Mr. Mosbaugh relative to the recorded conversation in which I participated on June 29, 1990. My participation in the phone call was recorded and the transcript of the conversation is attached. I will base my response on the attached transcript.

(1) "The letter failed to clarify the DG starts reported on April 9, 1990."

This is apparently based on the two statements made by Mr. Mosbaugh on page 24 of the transcript. It should be noted that Mr. Mosbaugh misquotes the letter in a similar fashion as discussed in point 1 above by omitting the key phrase, "related to the number." Nevertheless, we both had copies of the letter, so I understood his statement in terms of the actual written draft. Therefore, I saw no conflict or problem with agreeing that the remainder of the paragraph referred only to the LER. The fact that the remainder of the paragraph addressed the change to valid tests in the LER did not detract from the clarification of numbers that occurred as a consequence of revising the LER. My statement beginning on line 29 of page 24 indicates my understanding at the time, which was (1) that the reference to the April 9, 1990 letter was added in an attempt to be open and complete, (2) that I believed that the clarification of the April 9, 1990 letter was a consequence of the revised LER and (3) that I was unaware of any specific error in the April 9, 1990 letter. He did not question the clarification in the LER, but simply stated his opinion that the cover letter contained additional clarification for the

Mr. James Lieberman
August 5, 1994
Page Seven

LER. Therefore, I saw little more than Mr. Mosbaugh making an observation with which I could agree. He was simply pointing out that the cover letter contained more clarification for the LER than it did for the April 9, 1990 letter, which was not unusual to me since we were only pointing out the consequential clarification of the April 9, 1990 letter that resulted from the inclusion of corrected numbers in the LER.

Since the June 29, 1990 letter was quite clear in its stated purpose (i.e., to address numbers), there was little significance in Mr. Mosbaugh's statement that errors in the April 9, 1990 letter were different from errors in the original LER. Indeed, since the letter did not claim to address any errors in the April 9, 1990 letter, Mr. Mosbaugh only offered an unsubstantiated comment that such errors existed. I was unaware of any intent or commitment to provide more clarification of the April 9, 1990 letter than that which occurred as a consequence of revising the LER. His comment may have had additional significance had I been aware that he believed that the intent of the letter was to do more than transmit a revised LER to the NRC. Given that the LER corrected the number of diesel tests, it was reasonable for one to conclude that, even if there was an error in the number stated in the April 9, 1990 letter, it, too, would still be clarified by giving a correct number in the LER.

It is at this point that Mr. Mosbaugh could have informed us that the purpose of the letter was to explain errors and not to clarify numbers. It is unfortunate that only he and the NRC knew that was what they expected, but he remained silent and we were unaware of the concerns that the NRC had known about for two weeks.

(2) *"DG record keeping practices were not a cause of the difference in the DG starts reported in the April 19, 1990 LER because adequate information to formulate an accurate count was available when the counting errors were made."*

This is not an accurate representation of what Mr. Mosbaugh stated during the phone call. His actual words were: "We didn't get different numbers because we changed our record keeping practices. We got different numbers because we failed to accurately count in the beginning."

This was a strange statement since the letter didn't say anything about a change in record keeping practices. I understood (and I believe we all understood) that the reason for the revision to the LER was that the original LER had an error in the numbers. Furthermore, I understood that the NRC had been informed that the numbers were wrong. Therefore, Mr. Mosbaugh's statement was a statement of the obvious to me. The portion of the letter under discussion described what we believed the start counts would have been in the original LER given the stated definition of the end of the test program. Had we simply stated that the difference was due to a change in the definition of the end of the test program, it might have indicated that the previous LER was not in error. By including what we believed to be the primary cause for an error in counting, we clearly indicated the existence of

Mr. James Lieberman
August 5, 1994
Page Eight

a personnel error. How could records keeping practices cause a difference that was not due to personnel error? What the letter is saying is that records keeping practices is one of the causes for the failure to count properly for the original LER. This conclusion was, and is, consistent with the audit report which was to be given to the NRC. In response to Mr. Mosbaugh's comment, I explained why I believed it to be an accurate statement. Primarily, I explained why I believed that records keeping practices were the primary cause of the failure to accurately count. (The phrase, "diesel start record keeping practices," clearly implies a difference in counting due to other than a change in the definition of the end of the test program). Mr. Mosbaugh indicated that he understood and accepted the response to his comment since he replied, "I've got one other comment ..." and changed to another subject. If he felt that the phrase, "personnel error," needed to be in the letter, he could have suggested it; however, a review of the transcript of the phone call indicates that he didn't even use the term. Furthermore, he clearly indicated that his comment had been resolved by changing to another subject.

(3) *"The erroneous counts resulted from personnel errors in developing the count."*

Mr. Mosbaugh's actual statement was as quoted in item (2) above and can be seen in the attached transcript. In response to his comment, I explained why I believed the letter to be consistent with his statement. He indicated agreement by changing to a different subject. My explanation was simply that records keeping practices were why we failed to count accurately in the beginning. I believed at the time that the letter adequately conveyed this concept. I continue to believe that this is an accurate concept, that it is consistent with the audit report and that it is reasonable for the following reasons. A person can make an error in counting in two ways--one is a simple counting mistake and the other is by counting the wrong thing. Clearly, records keeping practices go to the heart of why a person could count the wrong thing. For example, there may be no records that identify the specific item being counted (I believe this to be the primary reason for changing to valid tests) or the records may not be up-to-date, or the records may not clearly indicate the period over which to count (i.e., they may not identify the completion of the test program) or they may simply require an excessive amount of judgment. Any or all of these may contribute to a personnel error in counting diesel starts.

It should be noted that this statement was not required for transmitting the revised LER, it had not been requested by the NRC and it was not required to clarify the number of diesel starts. This statement was not favorable to Georgia Power Company, in that it clearly indicated a deficiency. I believed then, and I believe now, that it was submitted in a spirit of candor and in an attempt to be as open and complete as possible.

Relative to the three items listed in Section III of the DFI, I believe that all three comments were answered during the phone conversation and that Mr. Mosbaugh created the

Mr. James Lieberman
August 5, 1994
Page Nine

appearance that they had been adequately resolved. He was one of the highest ranking people on the phone call and a former Assistant General Manager. He had more information than I did and he indicated agreement. For these reasons, I believe that my conclusion that the concerns had been adequately addressed was reasonable. This was the beginning of the formal review process. It would have been relatively easy at that point to revise the letter, but no specific changes were offered. Rather, Mr. Mosbaugh left me with the impression that his comments had been satisfactorily answered.

In contrast to the statement of the DFI, the recorded, brief telephone conversation clearly indicates that Mr. Mosbaugh's comments did not make me "*fully aware*" of his assertions, that I openly responded to his comments, and that I was answered by the equivalence of malignant neglect.

5. Section III, page 5, of the DFI states: "*Mr. Majors had staff responsibility for preparing the cover letter for the LER revision and was specifically instructed by the Senior Vice President - Nuclear Operations to work closely with the site to ensure that the submittal was accurate and complete. Despite this clear direction, and after having been informed by the site of the clear failure of the June 29, 1990 draft cover letter to address the April 9, 1990 letter that it referenced and that the April 9, 1990 errors were different from the April 19, 1990 errors, Mr. Majors failed to address these concerns prior to issuance of the LER revision.*"

In order to respond to this portion of the DFI, it is necessary to reiterate my role in the preparation of the June 29, 1990 letter and revision to the LER. I was not involved with the original events on March 20, 1990. I was not involved with the efforts to restart the unit following that event. I was not involved with the preparation for the April 9, 1990 meeting. I was not involved with the preparation of the April 9, 1990 letter. I was not involved with the preparation of the LER on April 19, 1990. I was not involved with the original drafts of the revised LER. I was not involved with the revision of the LER until after it was decided to change it to reflect valid diesel tests. My staff responsibility consisted of taking a marked up version of the draft LER and a marked up version of the cover letter and incorporating the comments of various individuals. Some of these comments were in conflict, some were specific and some were vague. I incorporated the various comments into various drafts until I believed that I had a draft that was reasonable, made sense and was responsive to the comments that had been made by the various people who would have to formally approve it. The DFI implies that I failed to carry out clear directions from my management. However, the recorded conversation indicates that I worked to assure consistency with the audit report and management approval of the letter indicates that their instructions had been followed.

The "*clear direction,*" and the instructions to be accurate and complete, were given relative to assuring that the number of diesel starts was correct. I was informed (1) that there was an error in the original LER numbers, (2) that previous counts by individuals were inaccurate, (3) that the

Mr. James Lieberman
August 5, 1994
Page Ten

NRC knew that the previous LER numbers were in error, (4) that we had committed to give the NRC a revision to the LER with the correct numbers by the end of the month, (5) that an audit had been initiated to ensure that the numbers were correct, and (6) that the audit report would be given to the NRC.

I was not asked to explain the reason for the error in the previous LER. (Per NUREG-1022, such explanations are not required as part of cover letters for corrected LERs.) I was not asked to correct the April 9, 1990 letter, or to identify and explain any error in it. I believed that the reference to the April 9, 1990 letter had been added due to the consequential clarification that resulted from the revised numbers in the LER.

The revised LER concerned the event of March 20, 1990. It did not concern a subsequent, different event of April 9, 1990 or April 19, 1990 (i.e., the giving of erroneous numbers to the NRC). The NRC guidelines (NUREG-1022) for writing LERs does not require additional information in an LER transmittal letter. The guidelines discourage reporting of separate events in the revision to an LER. Thus, had we recognized that the NRC wanted the error of April 9, 1990 to be treated as an event, it would not have been consistent with NUREG-1022 to report it in a revision to an LER concerning the March 20, 1990 event.

I was unaware that the NRC had been informed (on June 14, 1990) of allegations concerning diesel testing. I was unaware of any commitment or agreement to address the April 9, 1990 letter in the cover letter of the revised LER. I believe that I fulfilled my responsibility to incorporate comments from appropriate people. The record clearly indicates that I addressed comments from Mr. Mosbaugh, that he was aware of some of the items of which I was unaware, that he withheld that information and that when I responded to his comments he indicated concurrence by silence or by changing the subject to another comment.

As stated above, and in the June 29, 1990 letter, its purpose was related to the number of DG starts. No one questioned whether or not the numbers in the revised LER clarified the number of diesel starts in the April 9, 1990 letter. The June 29, 1990 letter (with the revised LER) did clarify the April 9, 1990 letter relative to the number of starts. The June 29, 1990 letter did not claim to identify, justify or explain any errors in the April 9, 1990 letter. Furthermore, the discussion with the site made that very clear. The attached transcript indicates that I was not even aware that the April 9, 1990 letter contained errors, and that I was less aware that anyone believed that the purpose of the June 29, 1990 letter went beyond clarification of the April 9, 1990 letter relative to the actual number of starts.

Mr. James Lieberman
August 5, 1994
Page Eleven

In summary, the emphasis of the letter was the change to the numbers. The additional information in the cover letter was not requested, nor required, by the NRC. It was information that was not necessarily favorable to GPC and clearly indicated inadequacies. The recorded conversation related to the preparation of the letter indicated no attempt to hide or obfuscate issues on my part. In addition, no intimidation or other tactics were used to suppress comments. Comments were addressed to the extent of my understanding of the basis for the various parts of the letter. No unwillingness to revise the letter was indicated by me. A review of the transcript of the phone conversations of June 29, 1990 reveals that the one person who had reason to believe that the NRC expected more than a clarification of numbers indicated acceptance of the responses to his comments.

Paragraph F:

An explanation of the corrective actions taken, or planned by the Licensee to address each of these individuals' performance failures.

Response:

My actions taken in the preparation of the June 29, 1990 letter were appropriate when one considers (1) the requirements for LER revisions and cover letters (see NUREG-1022), (2) the instructions under which I worked while coordinating the preparation of the cover letter, (3) what I did and did not know about other peoples involvement with counting diesel generator tests, (4) my lack of previous involvement with the March 20, 1990 event, the April 9, 1990 meeting, the April 9, 1990 letter, the April 19, 1990 LER, and the earlier drafts of the revised LER, and (5) my role in the preparation of such cover letters.

Nevertheless, the NRC was not satisfied with the contents of the June 29, 1990 letter. Therefore, appropriate or not, I cannot find satisfaction in my performance in this regard. I do not believe that there is a single change that will provide for improved performance any more than the experience of the consequences of that letter. As a result, I will exercise more circumspection when discussing differing points of view in the future. This event also emphasizes the importance of getting positive confirmation of agreement even when it is not clear that there was a previous disagreement, and will remind me that sometimes comments really indicate serious disagreement. I believe that learning these lessons will result in improved performance under similar circumstances in the future.

Paragraph H:

Given the violation of NRC requirements, an explanation as to why NRC should have confidence that the Licensee, with the involvement of Messrs. Greene, Frederick, Majors, and Horton,

Mr. James Lieberman
August 5, 1994
Page Twelve

will in the future conduct licensed activities in accordance with all NRC requirements, including the requirement of 10 CFR 50.9, "Completeness and accuracy of information." Responses to this paragraph shall be provided separately for each individual.

Response:

The NRC has determined that inaccurate and incomplete information was provided in the June 29, 1990 cover letter. Although there is disagreement on whether or not the information in the cover letter was in fact inaccurate and incomplete, I recognize that it is appropriate for the NRC to question why they should have confidence that my future activities will be in accordance with NRC requirements. I provide the following reasons:

(1) A review of the circumstances under which I worked during the preparation of the cover letter indicates an intent to not only provide accurate and complete information, but also an intent and willingness to provide information over and above the minimum required. For example, the taped conversation of June 29, 1990 clearly indicates that I understood that the reason for the reference to the April 9, 1990 letter was to raise an issue rather than to hide one.

(2) Any errors or mistakes made by me relative to the June 29, 1990 letter were made while making an honest attempt to supply accurate, complete, candid and timely information. For example, based on my understanding at the time, the references to the April 9, 1990 letter and to records keeping practices were candid statements, not favorable to Georgia Power Company but offered in a sincere effort to accomplish open communication.

(3) I recognize the necessity of accurate, complete, candid and timely communication in order to ensure safety, and safety is my first priority. My training as a licensing engineer, my responsibility as a professional engineer and my simple duty as a human being all demand that I put safety first. I am fortunate to work for a company that shares my commitment to safety and recognizes its preeminence over any potential conflicting business interest. Under such circumstances, the main obstacles to providing appropriate information to the NRC remain (1) the understanding of what the NRC wants and (2) the gathering of the information.

The June 29, 1990 letter candidly included factual information which was not favorable to Georgia Power Company and which was complete and accurate to the extent of my knowledge at the time. Even though the NRC has judged that additional information could have been included, I believe the information contained in the letter tended to influence the NRC in the direction of additional questions rather than toward an incorrect perception. In conclusion, I have and will continue to

Mr. James Leberman
August 5, 1994
Page Thirteen

conduct licensed activities, to the best of my ability, in accordance with all NRC requirements and will continue to work on improvement.

Very respectfully,

Harry Majors

Harry Majors

SWORN TO and subscribed
before me this 5th day of
August, 1994.

Mary N. Bentley
Notary Public

My commission expires:
May 6, 1995

[NOTARIAL SEAL]

cc: U. S. Nuclear Regulatory Commission
Mr. S. D. Ebnetter, Regional Administrator
Assistant General Counsel for Hearings and Enforcement

Transcript of Tape 187

Conversation involving Majors, on June 29, 1990.

1 Odom: Usually more accurate and (inaudible) started up.
2
3 Greene: Mm-hmm.
4
5 Odom: We couldn't tell in a lot of cases what was going on.
6 The control room (inaudible).
7
8 Greene: Based on that, why is the statement incorrect then that
9 the discrepancy was attributed to diesel start
10 recordkeeping practices? If we don't send the stuff to
11 the engineering people in a timely fashion, don't you
12 think we've got a poor practice?
13
14 Odom: I can tell you from the past that in doing diesel
15 Special Reports we always had a hard time getting the
16 material.
17
18 Greene: I think that's all we're trying to say in this letter
19 is they're not blaming the log per se. They're saying
20 our practice of keeping the log up, but (inaudible)
21 records (inaudible) log. It's the way we keep our
22 records. [Phone ringing.] The definition of the end
23 of test program. Tell me the definition of, we used on
24 May 8th and (inaudible).
25
26 Mosbaugh: The LER states numerous sensor and logic testing was
27 performed prior . . . after . . . subsequent to the
28 completion of the comprehensive test program.
29
30 Voice: (inaudible)
31
32 ~~Mosbaugh: It's in reference to logic, control logic testing.~~
33 *Begin*
34 Voice: Harry's holding.
35
36 Greene: Harry, here I am with a unit down and you hand me this
37 hot potato.
38
39 Voice: Is (inaudible) reasons (inaudible)?
40
41 Greene: Where did the last line....I'm going to put you on
42 speaker. You have to understand you're right in the
43 middle of a heated argument, so you just let the water
44 roll off your back.
45
46 Majors: This is (inaudible).
47
48 Greene: Okay.
49
50 Majors: All right.
51

1 Greene: This is the author of the letter. Is that a fair
2 statement, Harry, that you're the author of this
3 letter?
4
5 Majors: I will accept it, but I'll reserve the right to make a
6 disclaimer at a later point.
7
8 Greene: Let me see if I can establish some facts here.
9
10 Majors: All right.
11
12 Greene: All right. Number one, the information that is in this
13 letter, "Loss of Off-Site Power Leads to Site Area
14 Emergency" is to be a cover letter to the LER?
15
16 Majors: That's right.
17
18 Greene: That's the same information that is also being put into
19 the LER?
20
21 Majors: The only thing that changed in the LER since the PRB
22 saw it last is we changed that number of starts from 11
23 to 12 because the, when they did the QA audit report,
24 they found another valid test that hadn't been checked
25 in the column there.
26
27 Greene: All right. So the 11 and 16 is now 12 and 16?
28
29 Majors: That's right.
30
31 Greene: All right. So this letter then -- okay. Okay, that's
32 a fact. Let's see if I understand it based on that.
33
34 Majors: Okay, now, I can explain further, if you want me to.
35
36 Greene: Go ahead.
37
38 Majors: Okay. The audit report, if you look at Page 3 of the
39 audit report where it talks about the number of
40 successful starts subsequent to the completion of the
41 test program.
42
43 Greene: Yes.
44
45 Majors: Okay. What we were trying to do is be consistent with
46 the audit report with the letter.
47
48 Greene: Okay.
49
50 Majors: So what we're trying to do to the LER is change it to
51 not mention the number of starts subsequent to the test
52 program.

1 Greene: Okay. We're going to let the LER talk about valid
2 starts, and we're going to let the cover letter talk
3 about successful starts subsequent to the test program?
4
5 Majors: Right. In other words, the letter is going to
6 basically address the question of the problem with the
7 previous LER.
8
9 Greene: Okay. The number of successful starts included in the
10 original LER included some of the starts that were part
11 of the test program.
12
13 Majors: Right. Now, that's a Ken McCoy additional sentence
14 that has been blessed by George [Hairston]. So
15 obviously if there's a problem with it, George would
16 want to know about it.
17
18 Greene: Sure. The discrepancy is attributed to diesel start
19 recordkeeping practices. What did you mean by that?
20
21 Majors: Okay. That's another George and Ken McCoy designed
22 sentence, and they're referring there to this audit
23 report, trying to summarize ... I'm trying to find ...
24 the thing the section of, especially in the audit
25 report where it says no specific cause for the error in
26 the LER, a number of 18 starts was identified other
27 than it (inaudible) appears this problem existed when
28 the LER was prepared, based on the review of the log no
29 entries were made in the Unit 1 diesel log between
30 March 15th (inaudible). It says "there is no single
31 source document readily available for determining the
32 results of diesel starts."
33
34 Greene: Let me ask you something. The word discrepancy implies
35 that there was mistakes and errors made previously.
36 The only thing that I believe everybody agreed to is
37 that the original LER had some mistakes in it.
38
39 Majors: Right.
40
41 Greene: The LERs written after that were based on how do you
42 want to count these things.
43
44 Majors: That's right.
45
46 Greene: All right. So why don't you say instead of
47 discrepancy, why don't you just say the difference,
48 meaning you're talking about what's in this letter
49 versus what's in the LER.
50
51 Majors: I don't have any problem with that, and I don't think
52 they will either.

1 Greene: "The difference is attributed to the diesel start
2 recordkeeping practices..."
3
4 Majors: Right. I don't think anybody will have any problems
5 with that.
6
7 Greene: "...and the definition at the end of the test program."
8 That's how you explain the difference in the LER and
9 what's in this letter?
10
11 Majors: Yes.
12
13 Greene: All right. We're all standing behind what's in the
14 LER, the 11 and the 16.
15
16 Majors: Right. We had the QA report, we counted off, and show
17 exactly what we're saying, 12 and 16.
18
19 Greene: The 12 and 16, okay. But we used the engineering log
20 for that number, didn't we?
21
22 Majors: That's right. We used the engineering log. If you
23 turn over to Page 4 of the audit report, Section B.
24
25 Greene: Mm-hmm.
26
27 Majors: It says -- it discusses the fact that they go to the
28 engineering log and then it talks about the fact that
29 there have been additional tests performed according to
30 procedure 14980, diesel generator operability test,
31 that were done since the last time that the engineer's
32 log was updated, these tests have been done. If you
33 add those to the ones on the engineering log, you come
34 up with 16 and 12.
35
36 Greene: Right.
37
38 Majors: And that's how I came up with 16 and 12.
39
40 Greene: But that's based on the engineering log that we keep?
41
42 Majors: That's based on the engineering log that we keep which
43 was last updated on -- I'm not sure -- 5/2 or something
44 like that, plus the additional successful completion of
45 tests according to that procedure, since the last time
46 the log was updated.
47
48 Greene: Okay. Allen, can you ... you know, basically what
49 we're saying here is that the LER was indeed accurate.
50 So --
51

1 Mosbaugh: I haven't contested that the new LER is inaccurate or
2 accurate. I haven't looked at the data. I don't know
3 that it is inaccurate. You've just changed to apples
4 and oranges.
5
6 Majors: That's right. He's right about that.
7
8 Greene: Yeah.
9
10 Majors: What we've done is because we have so much difficulty
11 discussing and getting our hands around the number of
12 starts subsequent to the test program, particular if
13 you try to count the number of starts subsequent to the
14 test program and prior to our submittal of the original
15 LER -- it really gets more difficult there because we
16 don't have a good -- you know, you can argue whether
17 something is a successful start or not. So that's why
18 we chose to go with the valid starts. You can now tie
19 it down to the Reg Guide 108 definition and that sort
20 of thing.
21
22 Mosbaugh: But, you know, with what Tom just said about the
23 difference, you know, that makes the end of that
24 sentence read better, but it makes the beginning of
25 that sentence read in a funny way as far as I'm
26 concerned. "The difference is attributed to diesel
27 start recordkeeping practices."
28
29 Majors: Yeah.
30
31 Mosbaugh: We didn't change our recordkeeping practices.
32
33 Majors: George personally zeroed in on those words.
34
35 Greene: Well, what he's saying is we haven't changed our
36 recordkeeping practices.
37
38 Majors: Right.
39
40 Mosbaugh: We didn't get different numbers because we changed our
41 recordkeeping practices. We got different numbers
42 because we failed to accurately count in the beginning
43 as compared to now.
44
45 Majors: Right. And what the QA audit report says is that part
46 of that was apparently due to the fact that, you know,
47 you do tests but you keep separate logs, different
48 kinds of logs for different kinds of tests, and you
49 collect data sheets and they're transferred over to the
50 diesel generator log. So a person that went out and
51 tried to count, you know, could have been misled by
52 counting from the wrong log or a combination of logs.

1 The way they worded it was that there's no single
2 source document -- that's [reading from the audit
3 report] "therefore, no single source document was
4 readily available for determining the results of the
5 diesel start attempts following the Site Area Emergency
6 and prior to the submittal of the LER." It also is
7 that there is the "confusion about the specific point
8 at which the test program was completed". And they
9 start that paragraph out by saying "no specific cause
10 for the error in the LER in the LER number of 18 starts
11 was identified." So this sentence is consistent with
12 the QA audit report, and that's what they were trying
13 to attempt because they anticipate that the QA audit
14 report will have to be explained to the NRC. They want
15 to make sure this letter, you know, (inaudible).
16
17 Mosbaugh: I got - -
18
19 Greene: I've got to step out of the room for a minute.
20 [Comment: Greene apparently leaves the room.]
21
22 Mosbaugh: I've got one other comment about the letter, Harry. In
23 the second sentence you state that this letter is
24 explaining the discrepancies in two different
25 documents, yet you do not proceed to explain the
26 difference in the second document. You only address
27 the difference in one document.
28
29 Majors: Yeah. Originally the letter did not refer to the April
30 9th letter, but George was afraid that if we didn't
31 mention the April 9th letter, the NRC might interpret
32 it as trying to avoid discussing it. And we think we
33 can defend the April the 9th letter, but we don't want
34 the NRC to think we're trying to avoid discussing it.
35
36 Mosbaugh: Well, I'll read it again. "This revision is necessary
37 to clarify the information about the diesel starts in
38 the letter and the LER." And then it only proceeds to
39 clarify the information as stated and referred to in
40 the LER.
41
42 Majors: That's right.
43
44 Webb: (inaudible) letter makes the same statement about the
45 number of starts.
46
47 Mosbaugh: No. The errors in counting in the original -- in the
48 COA response letter are different errors than the
49 errors that were made in counting that went into the
50 LER.
51

1 Majors: Yeah, I'm not sure that I would say that there were
2 errors in the April the 9th letter.
3
4 Mosbaugh: Why would that be?
5
6 Majors: Because the April the 9th letter was based on George
7 Bockhold's presentation. In George Bockhold's
8 presentation he identified each individual start, and
9 so on that basis I think you can say that the letter on
10 April the 9th was consistent with what he had in slides
11 in terms of numbers of starts anyway.
12
13 Mosbaugh: Yeah, I think it's probably consistent, but I think
14 it's also false.
15
16 Greene: It seems to me its reasonable to leave the last line in
17 there to say the difference is attributed to the diesel
18 start recordkeeping practices and the definition of the
19 end of test program, and it's referring to the original
20 LER, not the revised LER, not any of the updated LER's
21 but it makes specific reference to the original LER.
22
23 Majors: Right.
24
25 Greene: There is a difference between what the attached LER
26 that we're going to give to them (inaudible), what this
27 letter has, and what the original one had. And you
28 have to explain that difference. And it seems to me
29 these are acceptable ways to explain that difference.
30 Some of these should not have been counted. We made
31 log entries that didn't take the adequate information,
32 or we went from information that was probably a poor
33 way to get (inaudible), and the bottom line was we
34 ended up with a false count.
35
36 Majors: Right. I don't have any problem with changing
37 discrepancy to difference.
38
39 Greene: I really feel like we've got to put something in here
40 that's usable. (inaudible)
41
42 Greene: Let's change the word to difference, and let me find
43 out if any of the other PRB members have a problem with
44 it.
45
46 Majors: Okay.
47
48 Greene: We did this by phone poll because I couldn't get
49 everybody together.
50
51 Majors: Okay.
52

1 Greene: I had to have a PRB at five o'clock to get the plant
2 started up.
3
4 Majors: Yeah.
5
6 Greene: And we we got (inaudible) a phone call. So I'll get
7 back to you in a few minutes and let you know.
8
9 Majors: Okay.
10
11 Greene: Thank you.
12
13 Majors: All right. You'll get back to me or you're going to
14 call Ken McCoy?
15
16 Greene: Tell me your extension.
17
18 Majors: My extension is 7079.
19
20 Greene: I'm going to get back to you.
21
22 Majors: Okay.
23
24 Greene: All right.
25
26 Majors: All right.
27
28 Greene: You go talk to Ken and see if he's got any problems
29 with that word, if you would.
30
31 Majors: I will in the meantime.
32
33 Greene: Thank you.
34
35 Majors: Okay.
36 *END*
37 Greene: Good bye.
38
39 ~~Voice: (inaudible)~~
40
41 Greene: Allen I don't know any -- you know, I wasn't involved
42 in the original LER and I don't know all the sources.
43 I do know that we have revised the LER several times.
44 Most PRB members are getting tired of looking at this
45 (inaudible) the LER. We need to go ahead and just
46 decide what we're going to submit. And that the
47 original LER, everybody agrees, has some problems with
48 it. This is as reasonable a way of explaining how the
49 differences are that I can think of. You have to admit
50 that.
51
52 Mosbaugh: It's incomplete.